

Message Text

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ACTION PM-07

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TO SECSTATE WASHDC 4736

INFO SECDEF WASHDC

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RUENAAAXCNO WASHDC

COMUSJAPAN FUCHU JAPAN

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E. O. 11652: N/ A

TAGS: MARR, JA, US

SUBJ: JAPANESE MARITIME TRAFFIC SAFETY LAW

REF: STATE 120996 DTG 211350 Z JUN 73

1. FOLLOWING IS THE TEXT OF US REPRESENTATIVE'S MEMORANDUM
SUBMITTED TO JOINT COMMITTEE MAY 31, 1973:

BEGIN TEXT: MEMORANDUM TO: THE JOINT COMMITTEE

SUBJECT: MARITIME TRAFFIC SAFETY LAW

1. REFERECES:

- A. ARTICLE II OF STATUS OF FORCES AGREEMENT.
- B. ARTICLE III OF STATUS OF FORCES AGREEMENT.
- C. ARTICLE V OF STATUS OF FORCES AGREEMENT.

2. ON 5 JANUARY 1973, US FORCES REPRESENTATIVE AND MSA REPRESENTATIVES EXPLORED INFORMALLY THE APPLICATION OF SUBJECT LAW TO US FORCES. ON 17 APRIL 1973, REPRESENTATIVES OF MSA BRIEFED US FORCES REPRESENTATIVES ON MINISTRY OF TRANSPORTATION ORDINANCE NO. 9 WHICH CONTAINS IMPLEMENTING INSTRUCTIONS FOR THE MARITIME

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TRAFFIC SAFETY LAW.

3. IT IS RECOGNIZED THAT VISITING US CONTROLLED VESSELS ARE OBLIGATED TO OBSERVE REQUIREMENTS OF GOJ LAWS RELATING TO TRAFFIC CONTROL AND SAFETY AND, IN FACT, ARE COOPERATING WITH MSA UNDER THE PROVISIONS OF PARAGRAPH 3, REFERENCE 1. C. BASED ON INFORMATION PROVIDED BY THE MSA REPRESENTATIVE ON 17 APRIL, APPLICATION OF THE MARITIME TRAFFIC SAFETY LAW NO. 115 OF 1972, CABINET ORDER NO. 5 OF 1973, AND MINISTRY OF TRANSPORTATION ORDINANCE NO. 9 OF 1973 FOR THE ENFORCEMENT OF SAID LAW, TO US CONTROLLED VESSELS WILL AFFECT ACCESS TO US FACILITIES AND BASES IN JAPAN BY:

A. REQUIRING IN FACT, MSA ASSENT TO TIMES OF TRANSIT FOR CERTAIN SEA ROUTES LEADING TO US FACILITIES IN JAPAN BY REQUIRING A FORMAL MSA ACKNOWLEDGEMENT OF TRANSIT NOTIFICATION PRIOR TO TRANSIT. IN FUL-

FILLING THEIR MISSION UNDER SECURITY TREATY AND AS US FORCES VESSELS, NAVY UNITS OPERATE UNDER CLOSELY DRAWN AND DEMANDING TIME SCHEDULES.

A DELAY, OF EVEN A FEW HOURS IN ENTRY INTO OR DEPARTURE FROM A US FORCES FACILITY, CAN DISRUPT CAREFULLY ESTABLISHED OPERATIONAL SCHEDULES.

LOGISTICS, TRAINING, MAINTENANCE, OPERATIONS ARE ALL DEPENDENT UPON EXACT KNOWLEDGE OF AND RELIANCE ON PLANNED SHIP MOVEMENTS. IN-PORT PERIODS ARE SO SCHEDULED THAT SUPPORTING SHORE COMMANDS ARE ABLE TO PROVIDE MAXIMUM EFFECTIVE SUPPORT IN A GIVEN TIME FRAME. DISRUPTION OF THE TIME SCHEDULE OF JUST ONE UNIT AFFECTS NOT ONLY THE PERFORMANCE

OF SHORE COMMANDS, BUT ALSO OTHER SHIPS WHICH ARE SIMILARLY SCHEDULED

NAVAL VESSELS ARE USUALLY MUTUALLY SUPPORTIVE. AT SEA, THEY USUALLY OPERATE IN GROUPS, WITH EACH PARTICULAR UNIT ASSIGNED TASKS COMMENSURATE WITH ITS BASIC PURPOSE. FOR EXAMPLE, A FLEET OILER IS SCHEDULED TO DEPART A PORT FOR RENDEZVOUS WITH A CARRIER AND FOUR DESTROYERS TO PROVIDE SHIP AND AIRCRAFT FUEL, MAIL, PERSONNEL AND CRITICAL SPARE PARTS. A DELAY OF ONLY TWO HOURS IN SAILING TIME CAN COMPLETELY DISRUPT THE OPERATING SCHEDULE OF OTHER UNITS, AT A MAJOR EXPENSE OF FUNDS, TRAINING TIME AND BASIC EFFICIENCY.

B. IMPOSING CONDITIONS ON ACCESS WHICH IN TURN REQUIRE INSTALL-

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LATION OF SIGNALS/ LIGHTS NOT CARRIED BY US FORCES CONTROLLED
VESSELS
NOR PRESENTLY REQUIRED BY INTERNATIONAL LAW; AND WHICH REQUIRES US
CONTROLLED VESSELS TO DISCLOSE CARGO INFORMATION AND DESTINATION.
ALTHOUGH IT IS UNDERSTOOD THAT SOME OF THE REQUIRED SIGNALS AND
LIGHTS MAY BE INCORPORATED IN INTERNATIONAL REQUIREMENTS IN 1976,
THE REQUIREMENT FOR THEIR INSTALLATION AND USE ON 1 JULY 1973 IS CON-
SIDERED PREMATURE AND CONSTITUTES AT THE VERY LEAST AN UNPLANNED
REQUIREMENT FOR EXPENDITURE OF FUNDS. THE REQUIREMENT TO DISCLOSE
CARGO INFORMATION AND DSTINATION AS A CONDITION FOR ACCESS WOULD
INVOLVE REVEALING CLASSIFIED MILITARY INFORMATION.

4. ACCORDINGLY, APPROPRIATE ACTION BY THE GOVERNMENT OF JAPAN IS
REQUESTED IN ORDER TO GRANT US FORCES CONTROLLED VESSELS
APPROPRIATE
EXEMPTION FROM THE APPLICATION OF THE LAW. END TEXT.

2. WE HAVE NOT YET RECEIVED FORMAL GOJ REPLY TO FOREGOING. MEAN-
WHILE, EMBASSY WILL COORDINATE WITH USFJ RE SUBMISSION OF SECOND
MEMORANDUM TO JOINT COMMITTEE, INCORPORATING ADDITIONAL POINTS
CONTAINED IN REFTEL. WE NOTE HOWEVER THAT THERE ARE ONLY EIGHT
DAYS REMAINING BEFORE 1 JULY EFFECTIVE DATE OF MARITIME TRAFFIC
SAFETY LAW.
SHOESMITH

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